



Stopgap Funding Bill Moving; Veto Threatened

A multibillion-dollar appropriations bill to fund the government until next October moved through the House and into the Senate the week of Dec. 2 — amid threats of a presidential veto.

The House Dec. 4 narrowly passed a \$480 billion version of the continuing appropriations resolution (H J Res 465). The vote was 212-208. (*Vote 389, p. 2582; earlier story, Weekly Report p. 2419*)

Members attributed the close vote to Republicans' concern over foreign aid provisions, a potentially costly section to help hard-pressed farmers, and the veto threat.

The Senate Appropriations Committee approved a \$498 billion version of the bill Dec. 5, and the Senate began debating it Dec. 6. In major action, senators rejected, 40-43, an amendment by Howard M. Metzenbaum, D-Ohio, and Daniel J. Evans, R-Wash., to kill funding for the Synthetic Fuels Corporation. The Senate will take up the bill again Dec. 9.

Appropriations Chairman Mark O. Hatfield, R-Ore., had pleaded with his colleagues to withhold extraneous amendments and pass the bill Dec. 6. Lengthy debate would almost assure that Congress would be in session until Christmas, he said, adding that it was "an action of futility" to load the bill with amendments because "we are not really building a signable resolution."

The current continuing resolution (PL 99-154) expires at midnight Dec. 12. After the Senate passes H J Res 465, conferees still must work out a compromise measure. If President Reagan vetoes it, Congress will have to go back to the drafting table.

In threatening a veto, the Office of Management and Budget (OMB) said both the House and Senate bills provide too much money for domestic spending and not enough for defense and national security. Officials said Reagan would veto any bill that exceeded congressional spending targets in any category, even if the bill's total was under the overall congressional budget ceiling.

—By Nadine Cohodas

In separate letters to House and Senate leaders, the administration said both bills were \$2.6 billion over budget allocations for domestic spending. The House bill was \$9.7 billion under the allocation for defense and national security, while the Senate bill was \$9.6 billion below the limit in this area, according to OMB.

House sponsors of H J Res 465 disputed the administration's figures, claiming that by their accounting procedures, the bill was \$5.6 billion under the congressional budget resolution for domestic spending and \$8.4 billion under the budget target for defense.

Reflecting the continuing tension between Congress and the White House over spending matters, Hatfield said Dec. 5 he strongly disagreed with the administration's position. He said OMB criticism was based on "convoluted reasoning," adding that it appeared administration officials were looking for a reason to veto H J Res

465 regardless of what Congress did.

"It is clear we have some very difficult negotiations ahead," he said.

House-Senate Differences

While the House and Senate bills have a number of similar provisions, there are important differences in key sections, particularly defense, foreign aid and in the appropriations for the Interior Department.

Neither chamber has passed a foreign aid appropriations bill, and debate on H J Res 465 will determine final spending levels for fiscal 1986. The Senate Appropriations Committee's foreign aid provisions add up to \$15.8 billion, about \$1.2 billion more than the House figure.

But beyond that, the two versions have sharply conflicting priorities in allocating military and economic aid. The House bill gives greater weight to economic aid while the Senate puts more of its resources into military assistance. (*Weekly Report p. 2506*)

One potential area of House-Senate controversy is the amount of military aid provided for the troubled government of Philippine President Ferdinand E. Marcos. The Senate bill provides \$70 million, the House version \$25 million. (*Weekly Report p. 2287*)

The House and the Senate Appropriations Committee both have approved spending bills for defense, but the Senate bill exceeds the House-passed version by about \$13.8 billion. In one significant area, the Senate provides \$2.96 billion out of Reagan's request of \$3.7 billion for the Strategic Defense Initiative, or "star wars" program, while the House provides \$2.5 billion.

The House bill also bans testing of anti-satellite (ASAT) weapons as long as the Soviet Union continues its ASAT moratorium. The Senate bill would allow ASAT testing.

Several significant policy differences also are reflected in House and Senate appropriations for the Interior Department. One of the major disputes is the treatment of the Synthetic Fuels Corporation.

The House voted to kill the entire

Funds in H J Res 465

The House and the Senate Appropriations Committee included the following bills in H J Res 465, which provides funding until Sept. 30, 1986, or until the individual fiscal 1986 appropriations bills are enacted.

Funded at the conference agreement level and conditions:

Commerce, Justice, State, Judiciary (HR 2965), \$11.92 billion. (p. 2591)

District of Columbia (HR 3067), \$547 million. (p. 2589)

Labor, Health and Human Services, Education (HR 3424), \$106.5 billion. (p. 2592)

Military Construction (HR 3327), \$8.5 billion. (p. 2469)

Treasury, Postal Service, General Government (HR 3036). The House bill contains \$13.15 billion, the Senate version about \$162 million less. (p. 2420)

The House-passed and Senate committee bills have different funding levels for the following:

Agriculture (HR 3037). (p. 2117)

Defense (HR 3629). (p. 2330)

Interior (HR 3011). (p. 2258)

Transportation (HR 3244). (p. 2360)

Foreign Aid (HR 3228). (p. 2506)

program, but James A. McClure, R-Idaho, chairman of the Senate Interior Appropriations Subcommittee, is battling to save it. The Senate version of H J Res 465 includes provisions to restructure the program, cutting it from \$7.9 billion to about \$5.9 billion. (*Weekly Report* p. 2258)

The Senate committee also added \$2.4 billion to the bill for construction grants for the Environmental Protection Agency, an item the president had requested in his budget.

Funding in the Bill

H J Res 465 includes money for departments whose regular fiscal 1986 appropriations have not been enacted. As of Dec. 6, President Reagan had signed three funding bills: for energy and water projects, the legislative branch and the Department of Housing and Urban Development and certain independent agencies. Three other bills had cleared Congress: military construction, Labor-Health and Human Services-Education, and Commerce-Justice-State. (*Stories*, pp. 2591, 2592, 2469)

Reagan vetoed one bill — Treasury-Postal Service. H J Res 465 as passed by the House and approved by the Senate committee includes this bill, the three conference agreements and six other measures, including Interior (HR 3011). The Senate Dec. 4 voted to table HR 3011. (*Box*, p. 2588)

If the regular funding bills are enacted before the continuing resolution reaches the president, they will be removed from the omnibus bill.

House Action

House consideration of H J Res 465 Dec. 4 was brief and relatively smooth. Debate lasted only three hours, and other than the vote on final passage, the only roll call was on a motion by Silvio O. Conte, R-Mass., to send the measure back to the Appropriations Committee.

While he had no specific instructions for the panel, Conte, the committee's ranking Republican, urged the removal of provisions directing the secretary of agriculture to help financially strapped farmers obtain loans.

Conte claimed that if enacted, the provisions could cost \$10 billion. The section was inserted in the House bill by Appropriations Committee Chairman Jamie L. Whitten, D-Miss.

Conte's recommittal motion was rejected 200-221. (*Vote* 388, p. 2582)

The Senate Appropriations Com-

mittee Dec. 5 deleted the agriculture provisions from its version of the bill.

The quick House floor action was a result of decisions the Rules Committee had made the day before.

Although a number of members requested the right to offer amendments to H J Res 465, the committee heeded the request of Whitten and Conte to keep the measure free of extraneous amendments.

The Rules Committee made in order only one proposal, a compromise worked out between Ralph Regula, R-Ohio, and Leon E. Panetta, D-Calif., on oil and gas drilling off the California coast.

Offshore Drilling Compromise

For the past four years, Congress has enacted a moratorium on drilling off the California coast. But an effort to extend the ban into fiscal 1986 was rejected by the Appropriations Committee Nov. 21 on a 26-27 vote.

The Regula-Panetta amendment, which the House adopted by voice vote, was an effort to resolve a disagreement between some members of the California delegation who oppose

offshore oil drilling, and other members of Congress and Interior Secretary Donald P. Hodel, who want to expand it.

The amendment requires Hodel to meet with a congressional negotiating team every 60 days for the rest of the fiscal year to work out an agreement for drilling off the California coast. The amendment establishes a 19-member committee, including senators and representatives from California and from the committees with jurisdiction over the oil drilling issue.

Panetta said Dec. 4 that the amendment was better than nothing. He said he and his supporters were not sure they had support in the Rules Committee and in the full House to continue the moratorium.

The Senate Appropriations Committee accepted the compromise Dec. 5.

Abortion, Family Planning

A potentially controversial House debate on abortion was defused when the Rules Committee, with the approval of key members, deleted Appropriations Committee language relating to abortion and federal family

New D.C. Abortion Limit Dropped

Before reaching agreement Dec. 5 on a fiscal 1986 appropriations bill (HR 3067) for the District of Columbia, conferees with little debate decided to drop a House-passed abortion restriction.

The House had voted 221-199 July 30 to bar the District from using any funds provided in the bill — either federal or local — to pay for abortions. The Senate twice refused to accept that restriction, leaving in place existing law, which prohibits the use of federal funds to pay for abortions, except when the life of the mother is in danger or in cases of rape or incest. (*Weekly Report* p. 2332)

When the abortion issue came up in conference, Rep. Julian C. Dixon, D-Calif., chairman of the Appropriations Subcommittee on the District, noted that the House vote had been close and added that he personally supported the Senate position.

The final bill provides \$547 million in federal funds, slightly less than the \$550 million approved by the Senate Nov. 7, but \$15 million more than voted by the House. It also calls for \$2.7 billion in District funds.

The federal appropriation includes \$425 million to compensate the District for expenses caused by the presence of the U.S. government, such as lost tax revenue. Also, the bill provides \$52 million for police, firefighters', teachers' and judges' retirement funds, \$30.1 million for water and sewer services to federal facilities and \$25 million for St. Elizabeths Hospital.

Conferees accepted \$10 million the Senate had added to help pay for a new D.C. prison but required local officials to notify Congress of construction plans before the funds would be available.

Also accepted was a Senate provision for \$500,000 for a job training program, but \$6.7 million the Senate added for criminal justice initiatives was split in half.

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planning funds. The Senate panel concurred with this decision.

H J Res 465 includes \$142 million for Title X of the 1970 Public Health Service Act (PL 91-572). The program provides funds to more than 5,000 clinics that dispense family-planning information and contraceptive services. The law specifically prohibits use of the money for performing abortions, but counseling and referrals for abortions are permitted.

Jack F. Kemp, R-N.Y., had tried to add language in the Appropriations Committee Nov. 21 to bar the use of Title X money for referring pregnant women for abortions. Richard J. Durbin, D-Ill., offered a substitute that barred money for performing abortions and for "advocating" abortions unless the life of the pregnant woman "may be endangered" by carrying the fetus to term. Durbin's substitute was accepted 37-16.

During the Rules Committee meeting Dec. 3, Henry J. Hyde, R-Ill., sponsor of the longstanding law that bars most federal funding for abortions, said that because of the way Durbin's amendment was worded, it could open the way for allowing federal funding for abortions. Hyde said he would prefer no new restrictions on Title X money to the Durbin language.

Durbin said he would withdraw his language if Kemp was barred from offering his amendment on the floor, and Hyde said he would support that move. The Rules Committee accepted the deal, and drafted the rule to delete the Durbin language.

The action was a victory for family-planning groups and public health and medical organizations, which opposed the Kemp amendment. However, the dispute could resurface on the Senate floor. Sens. Orrin G. Hatch, R-Utah, and Jesse Helms, R-N.C., have been persistent critics of Title X, and may offer restrictive amendments during consideration of the funding bill the week of Dec. 9.

Foreign Aid

At the Rules Committee Dec. 3, Kemp asked members to provide an open rule for debate on the foreign aid section. Kemp noted that this section of the bill had not been debated by either chamber of Congress and contended that the Appropriations Committee's foreign aid funding bill (HR 3228) had been approved with virtually no Republican support. (*Weekly Report* p. 1575)

Kemp's basic criticism of HR 3228, echoed by other conservative Republicans, was that it cuts too much in military assistance while providing too much, to economic development programs.

Rules Committee members made clear that they were not inclined to allow unlimited amendments to the foreign aid section but told Kemp he could offer a substitute section.

David R. Obey, D-Wis., chairman of the Appropriations Subcommittee on Foreign Operations, said he would support Kemp's right to offer an amendment but wanted an opportunity to offer his own substitute.

After mulling the matter over for a few hours, Kemp informed the Rules Committee he had no amendment to the foreign aid section. Kemp aides said privately that he had been under pressure from the White House to back off. They said that if Kemp provoked a floor fight, Obey would offer an amendment that cut foreign military assistance even more, and would likely prevail.

Rules member Trent Lott, R-Miss., who is also the House minority whip, asked the committee to make in order an amendment providing assistance to rebels in the southern African country of Angola. Chairman Claude Pepper, D-Fla., supported Lott, but the committee rejected the proposed amendment by voice vote. (*Weekly Report* p. 2505)

Senate Committee

The Senate Appropriations Committee worked its way through more than 40 amendments during a 3½-hour markup of H J Res 465 Dec. 5. Only a handful of the amendments added money to the bill.

Foreign Aid. The most significant changes came in the foreign aid section, where the Appropriations Subcommittee on Foreign Operations found itself in serious disagreement with the administration and the Foreign Relations Committee, which has oversight authority for foreign aid programs.

Subcommittee Chairman Bob Kasten, R-Wis., backed by ranking Democrat Daniel K. Inouye of Hawaii, had inserted a provision in the foreign aid appropriations bill approved by the committee (S 1816) that gave Israel about \$500 million in special military benefits.

During the Dec. 5 markup of H J Res 465, Kasten said he had met with

Secretary of State George P. Shultz, who vigorously opposed the provision, and had agreed to delete it.

Kasten offered an amendment, adopted by voice vote, taking out the Israel money and making changes in funding for the International Development Association (IDA) and the Export-Import Bank.

The amendment put a ceiling of \$375 million on U.S. contributions to IDA and limited to \$1.8 billion the amount of direct loans by the United States to the Ex-Im bank. The funding for the bank is about half as much as the administration requested, and less than half the \$3.9 billion available to the bank in fiscal 1985. (*Weekly Report* p. 2248)

Another Kasten amendment made several changes to conform the foreign aid appropriation to a recently passed foreign aid authorization bill (PL 99-83). Foreign Relations Chairman Richard G. Lugar, R-Ind., had objected to an Appropriations Committee provision that would have over-ridden several items in the authorizing legislation. (*Weekly Report* p. 1540)

Agriculture. The committee deleted the Whitten provisions in the House version of H J Res 465 aimed at helping financially strapped farmers.

Agriculture Appropriations Subcommittee Chairman Thad Cochran, R-Miss., said the provisions were unnecessary because a farm bill under consideration in a conference committee (HR 2100) addresses this issue. (*Story*, p. 2555)

The Appropriations Committee added \$40 million for the Soil Conservation Service at the request of Robert C. Byrd, D-W.Va. Byrd said the money would be used to help restore areas in West Virginia and elsewhere destroyed by flooding over the past two months.

Commerce, Justice, State. The committee adopted an amendment by Ted Stevens, R-Alaska, adding \$20 million for the Commission on the Bicentennial of the Constitution. Stevens said the money was requested by Chief Justice Warren E. Burger, chairman of the commission.

In fiscal 1985, Congress appropriated \$331,000 for the commission, but most of the money for the group's activities is expected to be raised from the private sector. Stevens said the private sector would not contribute funds until Congress appropriated more money. (*Background, Weekly Report* p. 1945)

Warren B. Rudman, R-N.H., act-

ing chairman of the Commerce-Justice-State Appropriations Subcommittee, said he thought Burger's request was too high. He said the administration and the House probably would accept \$12 million, and offered to include \$15 million in the Senate bill. Stevens refused to budge, and the panel agreed to the \$20 million.

By voice vote, the committee accepted an amendment by Alfonse M. D'Amato, R-N.Y., to clarify a provision in anti-crime legislation enacted as part of the fiscal 1985 continuing resolution (PL 98-473). The amendment makes clear that a mandatory five-year prison sentence for possession of a gun during a crime applies to defendants convicted of major drug offenses. D'Amato said the amendment was necessary because of a federal court decision that said the 1984 law was not explicit on whether drug crimes were among those covered by the five-year penalty provision. (1984 *Almanac* p. 215)

Defense. The committee by voice vote adopted an amendment by J. Bennett Johnston, D-La., requiring the Senate and House Armed Services committees to revise the military retirement system. The committees would have to act before May 1 in order to avert substantial cuts in military personnel.

Congress, in the fiscal 1986 defense authorization bill (S 1160 — PL 99-145) put a cap on the amount of money that can be spent for military personnel. Since retirement pay must be given to all military personnel who qualify, in the absence of legislation limiting such payments, the only way to stay within the spending limitation would be to cut military personnel. (*Defense authorization, Weekly Report* p. 1532)

Veterans. In the only roll call of the markup, the Appropriations Committee by a 15-11 vote adopted an amendment by Dennis DeConcini, D-Ariz., providing \$55 million for emergency job training, primarily for Vietnam veterans. The Senate passed a bill (S 1887) Dec. 2 reauthorizing the program for one year. (*Story*, p. 2597)

Other Amendments. In an effort to meet OMB objections, the committee, without debate, made changes in the Transportation and Treasury-Postal Service sections of the bill.

On Nov. 5, administration officials wrote House and Senate members complaining that both chambers' transportation funding bills spent too much money for Amtrak and mass

transit and not enough for the Federal Aviation Administration (FAA) and Coast Guard. The committee restored \$300 million the Senate had cut from the FAA and put back \$167 million of the \$200 million that was trimmed from the Coast Guard account.

To meet Reagan's objections in the vetoed Treasury/Postal bill, the

committee cut \$162.1 million, including \$72 million in Postal Service subsidies. The other cuts were in funds for the Internal Revenue Service, although the committee said it was acting only because of White House pressure and "wishes to stress that these reductions are not necessarily in the best interests of the nation." ■

Commerce/Justice/State Funds Clear

Congress Dec. 6 cleared an \$11.92 billion fiscal 1986 appropriations bill (HR 2965) for the Commerce, State and Justice departments, the federal judiciary and related agencies.

The House approved the conference report on the bill (H Rept 99-414) by voice vote Dec. 5, and the Senate followed suit Dec. 6, after narrowly acquiescing in the House position on funding for the National Endowment for Democracy (NED).

NED, a private, non-profit corporation created by Congress in 1983, sponsors activities designed to foster the development of democratic institutions and practices overseas. It has provided grants to arms of the AFL-CIO, U.S. Chamber of Commerce and the Democratic and Republican parties to carry out various programs. (1983 *Almanac* p. 148)

When the Senate passed HR 2965, it voted to bar the political parties from receiving NED grants. The House, during action on the conference report, insisted on its position that the parties should be eligible for NED funds, although it added several restrictions on the use of the money. (*Earlier action, Weekly Report* pp. 2333, 2258, 2174, 1447)

The House restrictions did not satisfy the Senate managers of the bill, Warren B. Rudman, R-N.H., and Ernest F. Hollings, D-S.C. Rudman asked the Senate to insist on its ban, and Hollings, blasting NED's programs as a waste of money, offered an amendment to eliminate all NED funds. The Senate rejected Rudman's motion, 43-44, and then defeated the Hollings amendment, 32-57, before clearing the funding bill by voice vote.

As cleared, the bill contains \$244 million more than the administration requested and provides funds for both the Economic Development Administration and Small Business Administration, which President Reagan wanted to abolish. It provides about \$2.1 billion for the Commerce Department, \$4 billion for Justice, \$2.5 billion for State, \$1.1 billion for the judiciary and \$2.3 billion for related agencies such as the United States Information Agency, Legal Services Corporation and Small Business Administration.

The spending levels approved July 17 by the House and Nov. 1 by the Senate were only \$6 million apart, leaving conferees with few major decisions. The conferees reached agreement Dec. 4 on all the differences except for the issue of whether the political parties should receive funds from NED. They left it up to the Senate and House to resolve that question.

In the conference, Hollings and Sen. Lowell P. Weicker Jr., R-Conn., argued that NED funding should be eliminated entirely. They complained that the money has been misspent on such activities as support for right-wing groups opposing the government of French President François Mitterrand and on many unproductive conferences. "I don't believe it deserves one red cent," Hollings said. "It's not only a waste of money but it's causing trouble." But the Senate conferees voted 5-3 to reject Hollings' motion. The conferees then approved \$18 million for NED, compared with \$10 million in the Senate bill and \$19.3 million in the House measure.

Conferees also deleted \$32 million added by the Senate for the Economic Development Administration (EDA). The funds had been earmarked for projects in Massachusetts, Nevada, New York and South Carolina. The final bill contains \$175 million for EDA, compared with \$160 million in the Senate bill and \$180 million in the House version.

—By Brian Nutting